

~~Confidential~~

GOVERNMENT OF INDIA

File No. U 11/151(27)/67  
Volume

Ministry of External Affairs

Department of U. N. II

SECTION

NOTES/CORRESPONDENCE

Subject

Netaji Subhash Chandra Bose - ~~War~~  
Criminal or P.O.W. - Declaration of -

Indexed on

Initials

notis kept 16/8 ✓  
Corr - kept 16/14 ✓

1974

Record A/B  
Record C. Destroy in

To be ☒ in Sectional Note Book  
Not to be ☐

Initials of S. O./Supdt.

Initials of Clerk

Recorded for 10 years (1975)

DESTROY IN 1975

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Previous References

E.A. Sec. 6/a no. C/551/1/67/J.P.

DECLASSIFIED

(गौतम गुप्ता)  
(GAUTAM GUPTA)  
उप सचिव (ए एंड एर. एन.)  
Dy Secretary (ASD)  
वि. ए. नई दिल्ली  
Ministry of External Affairs  
New Delhi

Later References

keep  
for  
16/12/1975





x x x x x x x x

Notes from page 8 onwards may kindly be seen.

It may please be seen therefrom that our L&T Division, to whom this file was referred on 31.8.66, suggested that it will not be advisable to enter into any further correspondence with Shri Chandra on the subject.

It may be mentioned that one Shri C.C. Chatterji of Kali Niwas, Narahi, Lucknow, had written to us as follows in his letter dated 2.1.1964:

"In this regard it is our considered opinion that it would be better if, in the first instance, a Committee of eminent Judges and Jurists in India be appointed to go into all the aspects of the Judgement of the International Court which had declared Netaji as a war criminal in Tokio and submitted their opinion to the Government for the decision of the Parliament, if this judgement should be enforced on a sovereign state which was not a party to it at the time, more so when this judgement itself had a dissentient note".

At that time a simple acknowledgement was sent to Shri Chatterji. Later, on receipt of another communication from Shri Chatterji, our file was referred to L&T Division on 6.8.66, for comments on Shri Chatterji's remarks. L&T Division stated thereon that 'it does not appear to be necessary to give any comments at this stage'. These remarks were made known to the Ministry of Home Affairs vide notes on page 9 ante.

A / The Ministry of Home Affairs have again sent this file to us with a view to ascertain "whether .... Netaji Bose was one of the convicts of war as decided by the International Court and whether he was enlisted as a P.O.W.". We may refer these papers again to the L&T Division for comments on this query.

US(EA) may kindly see with reference to his orders on prepage.

Sd/-  
16/11

US(EA)

Sd/-  
16/1/67

L&T Division

LEGAL AND TREATIES DIVISION

Ref: Note above.

We have no information on the query raised above in this Division. Ministry of Defence may kindly supply the information to the query in the note above.

Sd/-K.K.Chopra  
Law Officer  
20.1.67



From pre-page:

US( )  
Min. of Defence

East Asia Division

.....

Spoken to US(EA) with reference to L&T Division's note above.

The Ministry of Defence, to whom these papers were referred by Ministry of Home Affairs, have already stated, vide notes on pages 2, 4 and 5 ante that they have no information as to whether Netaji Subhash Chandra Bose was declared a Prisoner of War.

As directed, these papers may be referred to the Ministry of Law for comments on M.H.A.'s query at 'A' above. Our file No.C/551/1/66/M has been removed. *in prepage.*

Sd/-  
27/1

US(EA)

Sd/-  
28/1/67

M.H.A. (Poll-II)  
Ministry of Law  
MEA.U.O.No.739/EAD/67 of 30/1/67

M.H.A.  
Poll II Sec.

Ref. Notes from p. 30 ante

We may refer these papers to the Ministry of Law for any information/views they might have on the alleged judgment of the International Court wherein Netaji have been declared a war criminal.

Sd/-  
4.2.67

Sd/-  
4/2/67

US(P)

Ministry of Law (Shri T.V. Menon)  
F.30/5/66. 7.2.67.

NOTES IN THE MINISTRY OF LAW  
( DEPARTMENT OF LEGAL AFFAIRS )  
ADVICE (B)

We have no materials to consider the point raised above.

Sd/-K.P.Sarojini  
7-3/2-1967.  
Asst. Legal Adviser.

Ministry of Home Affairs

Ministry of

Ministry of Law U.O.No.447/67/Advice (B)D/9.2.67.



Ministry of Home Affairs  
Political II Section

Ref: Notes from page 10 ante.

It hasnot been possible to get any authentic information confirming the report that Netaji Bose was declared a War Criminal or a PoW. The Ministry of External Affairs have not indicated the result of whether these intend to verify the statement of Shri Chatterji that in a judgment of the International Court Netaji Bose was declared a War Criminal. That Ministry may please see again for comments.

Sd/-  
18.2.67.

Sd/-  
18.2.67.

Sd/-  
18/2

US(P)

MEA ( Shri B.P. Agarwal, US)  
F.30/5/66. 21.2.67.

M.E.A.

Sd/-  
21/2

L&T Division may kindly see for comments with reference to M.H.A.'s note above. L&T Divisions note on page 11 ante refer.

Sd/-  
22/2

Attache (EA)

D.S. may kindly see.

Sd/-22/2

D.S.(EA)

L&T(Division+)

As directed by DS(EA), we have studied the book entitled "Springing Tiger". This book does not contain an answer to the question whether Netaji was declared a P.O.W.

DS(EA) may kindly see for further instructions.

Sd/-  
8/3.

Attache(EA)  
DS(EA)

If a book like this written by an Englishman who would have no incentive to suppress a fact of this nature omits to mention that Netaji was declared a war criminal we could assume that no such declaration was made since he was deemed to be dead. Another factor which is relevant is that even the I.N.A. officers tried in India were tried according to Indian Municipal Law and not by any war crimes tribunal, which probably dealt with only nationals of Axis powers. Peter Laurel etc. were, as far as I remember, not considered war criminals but travelled to France.



From pre-page:-

I shall be grateful if the Historical Division gives its comments on the query.

Sd/-A.K.Damodaran  
9/3/67

D.H.D. (Shri B.K. Basu)

Ministry of External Affairs  
(Historical Division)

....

With the materials of our disposal, we don't find any authentic information confirming the report that Netaji Subhas Chandra Bose was declared a war ~~crim~~ criminal or POW. It is difficult to ascertain whether Netaji was declared so in Tokyo trial after the 2nd World War. L&T Division has no information in this regard.

In a book entitled "Liu Po-Cheng or Netaji" written by Shiv Prasad Nag it has been mentioned that Govt. of India informed Netaji Enquiry Committee that Subhas Chandra Bose was never declared a War Criminal. The book further mentions a statement by a high police officer of Calcutta that Mahatma Gandhi in 1946 made the British expunge Netaji's name from their list. From this it is not clear whether he was declared or not.

We would suggest that, if possible, this information may be obtained from Netaji Research Bureau, 38/2 Elgin Road, Calcutta-20. We agree with the above observations of DS(EA).

Sd/-G.N.Kaul  
7/4/67.  
S.R.O.

East Asia Registry (Miss Balani)

East Asia Division

.....

Spoken to US(EA).

It is not advisable to approach the Netaji Research Bureau, Calcutta, in the matter.

U.N. Division may kindly see and let us know whether Netaji was declared a War Criminal or P.O.W. by the United Nations War Crimes Commission. This information may be obtained from our Permanent Mission in New York, if it is not available with the U.N. Division.

US(EA)  
U.N.I Divn.

Sd/-  
11/4

Pl. spk.

K.K.D.Doshi  
14/4.

Spoken.

Sd/-H.L.Thapar  
14.4.67.

S. no. 1 (issue) 1/2

D. 14 5/67  
20/4/67



-5-  
Ministry of External Affairs  
W. N. II Sec.  
-0-

D. 1592/01/67 S. no 2 (Receipt) p 2 PR

Confidential.

A draft is put up for approval.

Don  
10.5.67 USCUNU may kindly  
see in the first instance.  
U  
10.5.67

USCUNU  
Sec, Maths. No action for the present  
please  
Kaddurthy  
10/5

Sdr. P.M.

✓ D. 1662/01/67 S. no 3 (Receipt) p 3 PR

A draft is put up for approval.

Don  
16.5.67 USCUNU may kindly  
see w.r.t. his order dt. 10.5.67  
alone.  
U  
16.5.67

USCUNU  
Let us await P.M.I's reply,  
Kaddurthy  
17/5

Sdr. P.M.



Ministry of External Affairs

U.N.O. Section

- 0 -

A draft is put up for approval.

Don.

3.7.67

1/2  
3.7.67

5 no. 4 (unim) 1/2

D. 2802/UNO/67 5 no. 5 (unim) 1/2

USCUNNY

Please put up.

Set H. L. Thapar.

16.8.67

Submitted for orders.

Don.

17.8.67

We should show these papers to East Asia Division, who had asked for the requisite information.

2. From Tokyo, however, a categorical reply is awaited.

1/2

17.8.67

USCUNNY

We may send a reminder to Tokyo. Fair note pl.

17/8

17/8

A draft is put up for approval.

Don.

17/8

Fair for sig. Please.

1/2

19.8.67

USCUNNY

17/8



Ministry of External Affairs  
U. N. II Section

Confidential.

U11/151(22)/67

Reference S. no. 2 and 6.

A draft reminder with f.c. is  
put up for approval.

After issue these papers may  
be shown to EA Division as they have  
reminded separately.

Adm  
28.9.67 U For sig. ~~Issue~~

~~US LUN II~~

R. issue

~~has~~  
28/9

S. no. 7 (issue) p. 8

E.A. Division may please see  
S. Nos. 2, 3 and 5 and retain copies, if they  
so desire for their information and early  
reply.

Adm  
29.9.67

U  
30.9.67

E.A. pin.

We have retained a copy each of the  
correspondence at S. Nos. 2, 3 & 5. These papers may  
now be returned to UN-II Section

U  
19/10

~~SO/EA~~  
UN-II Section

~~best Salami~~  
19/10.

15/11/51/EA/67  
20/9  
D. 3745/40/63  
23/4.

for PDM



8  
A draft reminder is put up for approval.

Don  
23.10.67

1/2  
23.10.67

S.no. 8 (issue) p 9/c

A draft reminder is put up for approval.

Don  
6.1.68

1/2  
6.1.68

S.no. (9) - issue p 10/a

A draft is put up for approval.

Don  
6.3.68

Fair for reg. please.

1/2  
7.3.68

S.no. 10 (issue) p 11/c

D. 1000/unn/68

S.no. 11 (Receipt)

Please put up.

Sd/- H.L. Thapar  
28.3.68

Submitted on file.

Don  
30.3.68

USCUNU may kindly see.  
No further action is called for.  
The E.A. Dir. did not keep  
us posted to the reply recd  
from our Embassy in Tokyo.

80 II

8 30/3

1/2  
30.3.68

USCUNU

un a sch.

2 hrs file of the records for 10 years  
6.12.68

PSH



S.M.I.

CONFIDENTIAL

GOVERNMENT OF INDIA  
MINISTRY OF EXTERNAL AFFAIRS

VII/151(27)/67

27th April, 67

Subject:- Nataji Subhash Chandra Bose.

Dear Mission,

The Ministry of Home Affairs have desired to have authentic information as to whether Netaji Subhash Chandra Bose was declared a War Criminal or a Prisoner of War by United Nations War Crimes Commission. From the material available with the Ministry of Defence, as also the Historical and L&T Divisions of our Ministry, it has not been possible to ascertain the correct position.

2. This question has arisen out of a letter addressed by a certain individual to the Ministry of Home Affairs. An extract from the same is reproduced below for your background information:

"In this regard it is our considered opinion that it would be better if, in the first instance, a Committee of eminent Judges and Jurists in India be appointed to go into all the aspects of the judgement of the International Court which had declared Netaji as a war criminal in Tokyo and submit their opinion to the Government for the decision of the Parliament, if this judgement should be enforced on a sovereign state which was not a party to it at the time, more so when this judgement itself had a dissentient note".

3. We shall be grateful if you could kindly make discreet enquiries at your end and let us have whatever information you have been able to gather in the matter at your earliest convenience.

Yours ever,

*K. D. Doshi*  
Ministry

1. The Permanent Mission of India,  
NEW YORK.

2. The Embassy of India,  
Tokyo

3. The Embassy of India,  
The Hague.

4. Copy to file No. 30/5/66-Poll (I) D HHA.

*please note.  
1/2  
27/4/67  
S.O. UNIT  
28/*





J.N. Dixit,  
First Secretary.

0.1592/4063  
9/5

S. no. 2

Confidential  
EMBASSY OF INDIA IN JAPAN  
TOKYO

सत्यमेव जयते

No.375-FS/67.

Dated the 5th May, 1967.

Dear Ministry,

S. no. 1

Please refer to your letter No.UII/151(27)/67,  
dated the 27th April, 1967.

2. We have made some preliminary inquiries with  
the Japanese Foreign Office and academic circles here  
who have given a tentative confirmation that Netaji  
Subhash Chandra Bose was not declared a war criminal.  
The question of his being declared a prisoner of war  
does not arise because he was never captured by the  
allies. He died a little before Japan's surrender.  
Our contacts in the Foreign Office have promised to give  
us definite information on the query raised by you in  
due course. Please consider this as an interim reply.

UN-E  
8/5

Pl. put up.  
6/5  
3.5-63  
Shi PBT

Ministry of Ext. Affairs

Recd. on

C.R. Dy. No

65565  
8/5

Yours ever  
*[Signature]*

Ministry of External Affairs,  
New Delhi.





No. HAG/151/2/67

S. no. 3

CONFIDENTIAL

भारतीय दूतावास दी हेग

EMBASSY OF INDIA  
THE HAGUE

May 8, 1967.

Subject: Netaji Subhash Chandra Bose.

Dear Ministry,

Please refer to your letter No. UII/151(27)/67,  
dated the 27th April, 1967.

As Netaji Subhash Chandra Bose is stated to have been tried by U.N. War Crimes Commission in Tokyo (and not by the International Court of Justice, The Hague), the required information is likely to be available either at New York or at Tokyo. However discreet enquiries were made at our end, but no information on the subject is available here.

Yours ever,



Ministry of External Affairs,  
New Delhi. (U.N. Section)

UN-4.  
1265

Please put up  
in file. H  
15.5.67  
shn. PAM

Ministry of Ext. Affairs

Recd. on

C.R. Dy. No.

67983

1215



5. no. 4  
UII/151(27)/67

4th July, 67.

Subject: Netaji Subhash Chandra Bose -  
Declaration as Prisoner of War or  
War Criminal.

Dear Mission,

2. no. 1  
Please refer to this Ministry's letter  
of even number dated 27.4.1967 on above subject.

We should be grateful for an early reply.

Yours ever

*[Signature]*  
Seal

The Permanent Mission of India,  
New York.

Please note  
1/2  
4.7.67

of 4

J. S. S. S.  
57





D. 2802-UN/17

CONFIDENTIAL

PERMANENT MISSION OF INDIA  
TO THE UNITED NATIONS  
3 EAST 64TH STREET  
NEW YORK, N. Y. 10021

Ny(Pm)/352(14)/66

S.no.5

August 10, 1967.

Dear Ministry,

Please refer to your letter No.UII/151(27)/67 dated the 4th July 1967 concerning Netaji Subhash Chandra Bose. The United Nations War Crimes Commission mentioned in your letter was an inter-allied body, set up by a Diplomatic Conference at the Foreign Office in London, in October 1943 before the present United Nations Organisation was born. It would appear that this Commission was set up primarily to investigate and record the evidence of war crimes identifying, if possible, the individuals responsible. It mainly investigated into the records of war crimes by the Germans and brought out certain lists of War Criminals from Germany. As regards the Far East, it would appear from a publication called "The History of the United Nations War Crimes Commission"(available in the U.N. Library), that it had a Sub-Commission at Chungking to investigate the war crimes committed by the Japanese against the Chinese. But, although the Australian Government in February 1946 proposed that the U.N. War Crimes Commission should investigate and prepare a final list of major Japanese WarCriminals on the basis of a list submitted by them, the Commission decided to send that list to the Allied Council in Tokyo as evidence relating to the charges contained in it was available in Tokyo and not in London. In any case the files and records of this Commission and its sub-commission at Chungking are hardly available now with the present United Nations Organisation and without an access to such files and records it would be difficult to say whether the name of Netaji Subhash Chandra Bose ever figured in the considerations of this body.

It is presumed that the reference to the judgement of the 'International Court in Tokyo' in the extract given in paragraph 2 of your letter is a reference to the judgement of the International Military Tribunal of the Far East delivered on November 4, 1948. It may be pointed out that this Tribunal was set up by a Proclamation issued on January 19, 1946 by the then Supreme Commander for the Allied Powers in the Pacific-General MacArthur. There does not appear to have been any direct connection between the work of the United Nations War Crimes Commission and the work of this Tribunal although the Chairman of the former visited Tokyo in April 1946, a couple

Contd.....2/-

pl put up  
16.8.67

in P.M.H.

8 para 2 of M.H.E.  
note + S.no.1



of months before the trial of the Japanese War Criminals commenced. From the judgement of the International Military Tribunal of the Far East it does not appear that Netaji Subhash Chandra Bose's name figured in the list of persons arraigned or tried before it.

We regret that without access to the records and files of the United Nations War Crimes Commission set up in October 1943, it is not possible for us to offer any further definite information in reply to your query.

Yours ever,



Ministry of External Affairs,  
(U.N. Division),  
New Delhi.



S. no. 6

Confidential

U11/151(27)/67

19th August, 67

Dear Mission,

Please refer to your letter No. 375-FS/67 dated 5.5.67 regarding Netaji Subhash Chandra Bose <sup>was</sup> declared as War Criminal.

We shall be grateful for further information promised in the above quoted reference.

Yours ever,

*hag*

The Embassy of India,  
Tokyo.

Please use.  
19.8.67

UNI.  
PAM

*[Handwritten signature]*



507

Confidential

No. VII/151(27)/67.  
Government of India.  
Ministry of External Affairs.  
-----

New Delhi, the 28 Sept. 1967.

Dear Mission,

*375-2*

Please refer to your letter No.  
375-FS/67 dated 5.5.67 regarding Netaji Subhash Chandra  
Bose being declared as War Criminal.

Please expedite further information,  
if obtained, promised in your letter quoted above.

The Embassy of India,  
Tokyo



*Lead  
su  
209.*

*Ac 464*



Confidential

UII/151(27)/67

25th Oct. 67.

Dear Mission,

3 no. 2  
+ S. 151(27)  
Please refer to your letter No. 375-FS/67 dated 5th May, 1967 and our reminders of even number dated 19th August, 1967 and 28th September, 1967 respectively regarding Netaji Subhash Chandra Bose being declared as War Criminal.

2. We shall be grateful for an early reply in the matter.

Yours ever

*Kdd*  
Seal

The Embassy of India,  
Tokyo.

*9m*  
*27/17*  
*Please note*  
*UNI. 26.10.67*



(a) - Issue.

Secret.

(10)

III/157(27)/67.

S.no.9

8th Jan., 68.

Dear Mission,

*S.no.2*  
*S.no.6-8*  
Please refer to your letter No.375-FS/67 dated 5.5.67 and our reminders of even number dated 19.8.67, 28.9.67 and 25.10.67 regarding declaration of Netaji Subhash Chandra Bose as war criminal.

2. We shall be grateful for a reply.



Embassy of India,  
Tokyo.

*Please see*  
*1/2*  
*9.1.68*

UNI.

*D.H.W.*

*8.10/1/68*



*Confidential* (11)

S. no. 10

UII/151(27)/67

7th March, 68.

Dear Mission,

*S. no 2*  
*S. nos 6-9*  
Please refer to your letter No. 375-FS/67 dated 3.5.67 and our reminders of even number dated 19.8.67, 28.9.67, 25.10.67 and 8.1.68, *respectively*, regarding declaration of Netaji Subash Chandra Bose as War criminal.

2. Please expedite a reply.

Yours ever,

*[Signature]*  
Ministry,

The Embassy of India,  
TOKYO.

*Please use*  
*1/2*  
*8.5.68*

*U. Lal*





CONFIDENTIAL

522-DS(UN)/68

EMBASSY OF INDIA IN JAPAN  
TOKYO

S. no. 11

D. 10/5/68 (UN) CG

NO:F.1(33)SS/64.

19th March, 1968. 24/1.

Dear Ministry,

Please refer to your letter No.UII/151(27)67,  
dated 7th March, 1968.

2. We had informed the Ministry (E.A. Division) on  
29th December, 1967, of the position. A copy of our letter  
No.621-CP/67, dated 29th December, 1967, to Shri A.R.Deo,  
Deputy Secretary (EA), is enclosed for ready reference.

Yours ever,



Ministry of External Affairs,  
U.N.Division,  
NEW DELHI.

28.3.68

P.M.

Please put  
up. U

US (UNTI) /

HP 1344/c



J.C. Ajmani,  
Counsellor.

Embassy of India in Japan  
Tokyo

(13)  
Confidential

No. 621-CP/67.

December 29, 1967.

My dear

Please refer to my letter No.597-CP/67,  
dated the 8th December, 1967.

2. We have now received a formal reply from the  
Gaimusho stating that records of the International  
Military Tribunal for the Far East do not contain any  
reference about the declaration of Netaji Subhas  
Chandra Bose as a war criminal or prisoner of war  
by the Tribunal. Copy of the Gaimusho's Note Verbale  
No.136/ASW, dated the 20th December, 1967, is enclosed.  
...

With kind regards,

Yours sincerely,

*W*  
( J.C. Ajmani )

Shri A.R. Deo,  
Deputy Secretary (EA),  
M.E.A., New Delhi.



14

Copy of Note Verbale No.136/ASW,  
dated 20-12-67, from the Japanese  
Foreign Office, Tokyo.

- - - -

The Ministry of Foreign Affairs presents its compliments to the Embassy of India and, in reply to the enquiry made by the latter's Note Verbale, No.534-CDA/67, dated October 16, 1967, concerning the late Mr. Subhash Chandra Bose, has the honour to state as follows :

1. As far as the records of the International Military Tribunal for the Far East (including indictments, writs of judgement, etc.) are concerned, no evidence is found supporting the alleged arrest, prosecution or conviction as a "War Criminal" of the late Mr. Subhash Chandra Bose by the said Tribunal. Nor exists any evidence supporting the pronouncement by the Tribunal of the late Mr. Chandra Bose as a "Prisoner of War".

2. According to various information regarding the late Mr. Chandra Bose (including that from official documents as well as private publications), Mr. Bose was killed in an aircraft accident on August 18, 1945, upon his departure from the Taipei Airport, where he had stopped on his way from Saigon to Dairen (Talien) by a Japanese military aeroplane offered him through the good offices of the late General J. Terauchi, Supreme Commander of the then Japanese Expeditionary Forces, Southern Regions. As it was not until September 11, 1945, that the arrest of General H. Tojo and other persons was started consequent upon indictment instituted against them by the Military Tribunal, it is inconceivable under the circumstances referred to above that Mr. Bose was pronounced as a "War Criminal" by the said Tribunal.